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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/811,648	03/05/1997	DAN KIKINIS	P1523CIP	1380

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CENTRAL COAST PATENT AGENCY
PO BOX 187
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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/22/2003

37

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/811,648

Applicant(s)

KIKINIS, DAN

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Action is in response to the Amendment and Reply received on 01 October 2003.

Response to Arguments

2. Applicant's arguments and amendments filed on 30 March 2001 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *a bridge adapter unit at the home or business site ... translates all received public network protocol signals, regardless of protocol, to the single LAN ... bridge adapter unit*) to the claims which significantly affected the scope thereof.

3. The application has been examined. **Claims 1-4, 7-9 and 14-17** are pending. The objection(s) and rejection(s) cited are as stated below:

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman, U.S. Patent No. 5,844,596 in view of Foley, U.S. Patent No. 6,069,899.

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6. Regarding **claim 1**, Goodman discloses the invention substantially as claimed. Goodman discloses *a networking system for a home or business site* [see Goodman, Abstract, Col. 3, lines 1-56], *comprising: a bridge adapter unit at the home or business site* [see Goodman, item 400] *having an inlet port for receiving signals* [see Goodman, Col. 8, lines 9-10]; *and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions* [see Goodman, Col. 8, lines 1-25]. Even though, Goodman does disclose a system that allows for distribution of other signals to a local network of an active telephone line and that the signals that are received are in the form of a local area network protocol. However, Goodman does not explicitly disclose the specifics of a bridge adapter unit receiving public network protocol signals and that the bridge adapter unit drives telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points drive from a single point at he bridge adapter unit.

7. In the same field of endeavor, Foley discloses (e.g., home area network system and method). Foley discloses *a bridge adapter unit receiving public network protocol signals* [see Foley, Col. 12, lines 1-24] *and the bridge adapter unit driving the telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit* [see Foley, Col. 6, lines 23-60, Col. 8, line 10, 35-50, Col. 13, lines 45-67 and Col. 14, lines 1-16].

8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Foley's teachings of a home network system and method with the teachings of Goodman, because of the need to provide a cost of not having to install new wiring with an infrastructure by utilizing the existing wiring infrastructure within the home network without disrupting conventional telephone services [see Foley, Col. 2, lines 26-40 and Col. 3, lines 20-26]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67]. By this rationale **claim 1** is rejected.

9. Regarding **claim 2**, Goodman-Foley further discloses *one or more converters* [see Goodman, item 452] *connected at individual ones of the end points, the one or more converters comprising each an outlet port to connect to a single-media or a multimedia device, the converters converting the LAN signals to a form required by the single-media or multi-media device* (Goodman teaches converters that convert signals from voice-band and transmits them through filters to local network where they communicate with the telephone device), [see Goodman, Col. 4, lines 60-67, Col. 5, lines 1-15, Col. 11, lines 65-67, Col. 12, lines 1-8 and Col. 54, lines 56-67]. By this rationale **claim 2** is rejected.

10. Regarding **claim 3**, Goodman-Foley further discloses *one or more single-media or multi-media devices connected to one or more of the converters* [see Goodman, Figures 1a, items 404a-b, items 419a, 494b-c]. By this rationale **claim 3** is rejected.

11. Regarding **claim 4**, Goodman-Foley further discloses *wherein the single-media and multi-media electronic devices include one or more of telephones* [see Goodman, item 414a]

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personal computers [see Goodman, item 495c] *fax machines* [see Foley, Col. 5, lines 43-49] *and televisions running through set top boxes* [see Goodman, Figure 15, Col. 9, lines 47-54]. By this rationale **claim 4** is rejected.

12. **Claims 7-9**, list all the same elements of **claims 1-4**, but in method form rather system form. Therefore, the supporting rationale of the rejection to **claims 1-4** applies equally as well to **claims 7-9**.

13. Regarding **claims 14 and 17**, Goodman-Foley further discloses *wherein individual ones of the converters are internal modules of individual ones of the single-media or multimedia devices* [see Goodman, Col. 15, lines 16-60]. By this rationale **claims 14 and 17** are rejected.

14. Regarding **claims 15 and 16**, Goodman-Foley further discloses *wherein individual ones of the converters are integrated into individual ones of the single-media or multi-media devices* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 15 and 16** are rejected.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. **Claims 1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Foley, U.S. Patent No. 6,069,899.

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17. Regarding **independent claims 1 and 7** (e.g., exemplary independent claim 1), Foley discloses *a networking system for a home or business site* [see Foley, Col. 2, lines 42-64], *comprising: a bridge adapter unit at the home or business site, having an inlet port for receiving public protocol signals* [see Foley, Col. 5, lines 38-52, Col. 6, lines 7-32, Col. 7, lines 29-50 and Col. 12, lines 1-24]; *and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions, and connected at a single point to an outlet port of the bridge adapter unit* [see Foley, Figure 3, items 301, 308, Col. 11, lines 65-67, Col. 12, lines 1-67 and Col. 20-36]; *characterized in that the bridge adapter unit drives the telephone wiring structure according to a Local Area Network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit* [see Foley, Col. 6, lines 23-60, Col. 8, lines 10, 35-50, Col. 13, lines 45-67 and Col. 14, lines 1-16]. By this rationale independent claims 1 and 7 are rejected.

18. Regarding **dependent claims 2-4, 8, 9 and 14-17**, the limitations of these claims are taught within the figures and specification of Foley.

Response to Arguments

19. Applicant's arguments include the failure of previously applied art to expressly disclose the use of internal telephone wiring already existing within the residential or commercial building to server as the single LAN network for driving signals of the single LAN protocol throughout the site (see Response, page 8-10, of Paper# 36). It is evident from the detailed

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mappings found in the above rejection(s) Goodman-Foley in combination taught the disclosed functionality and that the provision for the use of internal telephone wiring already existing within the residential or commercial building to server as the single LAN network for driving signals of the single LAN protocol throughout the site [see Foley, Col. 6, lines 23-60, Col. 8, line 10, 35-50, Col. 13, lines 45-67 and Col. 14, lines 1-16] was widely implemented in the networking art. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.


WCV

**Patent Examiner
Art Unit 2143
09 December 2003**



**DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**